

1 SENATE BILL NO. 68

2 INTRODUCED BY R. DRISCOLL

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING BALLOT RETURN ENVELOPES TO NOTIFY
5 ELECTORS WHEN EXTRA POSTAGE IS REQUIRED; REVISING RULEMAKING AUTHORITY; AND
6 AMENDING SECTIONS 13-13-214 AND 13-19-102, MCA."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9

10 **Section 1.** Section 13-13-214, MCA, is amended to read:

11 **"13-13-214. Mailing absentee ballot to elector -- delivery to person other than elector.** (1) (a) Except
12 as provided in 13-13-213 and in subsection (1)(c) of this section, the election administrator shall mail, postage
13 prepaid, to each legally registered elector and provisionally registered elector from whom the election
14 administrator has received a valid absentee ballot application under 13-13-211 and 13-13-212 whatever official
15 ballots are necessary.

16 (b) The election administrator shall mail the ballots in a manner that conforms to the deadlines
17 established for ballot availability in 13-13-205.

18 (c) The election administrator may deliver a ballot in person to an individual other than the elector if:

19 (i) the elector has designated the individual, either by a signed letter or by making the designation on
20 the application form in a manner prescribed by the secretary of state or pursuant to 13-1-116;

21 (ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the
22 ballot;

23 (iii) the election administrator believes that the individual receiving the ballot is the designated person;

24 and

25 (iv) the designated person has not previously picked up ballots for four other electors.

26 (2) (a) The election administrator shall enclose with the ballots:

27 ~~(a)~~(i) a secrecy envelope, free of any marks that would identify the voter; and

28 ~~(b)~~(ii) an envelope for the return of the ballots.

29 (b) The return envelope must be self-addressed by the election administrator and an affirmation in the
30 form prescribed by the secretary of state must be printed on the back of the envelope.

1 (c) If the elector is required to affix postage to the return envelope and if the amount of postage is more
 2 than the postage for a first-class letter, the envelope must contain language as prescribed by the secretary of
 3 state that advises an elector of the amount of extra or total postage required or that directs the elector to the
 4 instructions described in subsection (5) regarding the amount of extra or total postage required.

5 (3) The election administrator shall ensure that the ballots provided to an absentee elector are marked
 6 as provided in 13-13-116 and shall remove the stubs from the ballots, keeping the stubs in numerical order with
 7 the application for absentee ballots, if applicable, or in a precinct envelope or container for that purpose.

8 (4) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an
 9 extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way
 10 so that it can be identified as being used by any one elector.

11 (5) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must
 12 include use of the envelope for unvoted ballots. The instructions must include information concerning the type
 13 or types of writing instruments that may be used to mark the absentee ballot. The instructions must include
 14 information regarding use of the secrecy envelope and use of the return envelope and may include the amount
 15 of extra or total postage required to mail the return envelope. The election administrator shall include a voter
 16 information pamphlet with the instructions if:

17 (a) a statewide ballot issue appears on the ballot mailed to the elector; and

18 (b) the elector requests a voter information pamphlet."

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20 **Section 2.** Section 13-19-102, MCA, is amended to read:

21 **"13-19-102. Definitions.** As used in this chapter, the following definitions apply:

22 (1) "Ballot" means the ballot or set of ballots that is to be returned by a specified election day.

23 (2) "Election day" is the date established by law on which a particular election would be held if that
 24 election were being conducted by means other than a mail ballot election.

25 (3) "Political subdivision" means a political subdivision of the state, including a school district.

26 (4) "Secrecy envelope" means an envelope used to contain the elector's ballot and that is designed to
 27 conceal the elector's ballot and to prevent that elector's ballot from being distinguished from the ballots of other
 28 electors.

29 (5) "Signature envelope" means an envelope that complies with the requirements of 13-13-214(2)(c),
 30 contains a secrecy envelope and ballot, and ~~that~~ is designed to:

